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*Attorneys for Defendants:  
AMY PINTO LOME REVOCABLE TRUST,  
U/A/D 5/22/03; AMY PINTO LOME,  
individually and in her capacity as Grantor  
and Trustee for the Amy Pinto Lome Revocable  
Trust u/a/d 5/22/03; and LEONARD D. LOME,  
in his capacity as Trustee for the Amy Pinto  
Lome Revocable Trust u/a/d 5/22/03*

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

|   |
|---|
| SECURITIES INVESTOR PROTECTION<br>CORPORATION,<br><br>Plaintiff-Appellant,<br><br>v.<br><br>BERNARD L. MADOFF INVESTMENT<br>SECURITIES LLC,<br><br>Defendant. |
| In Re:<br><br>BERNARD L MADOFF,<br><br>Debtor.  |

Adv. Pro. No.08-01789 (SMB)

SIPA LIQUIDATION

(Substantially Consolidated)

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

AMY PINTO LOME REVOCABLE TRUST,  
U/A/D 5/22/03; AMY PINTO LOME,  
individually and in her capacity as Grantor  
and Trustee for the Amy Pinto Lome Revocable  
Trust u/a/d 5/22/03; and LEONARD D. LOME,  
in his capacity as Trustee for the Amy Pinto  
Lome Revocable Trust u/a/d 5/22/03,

Defendants.

Adv. Pro. No. 10-04588 (SMB)

**DECLARATION OF MARVIN C. INGBER IN SUPPORT OF DEFENDANTS' MOTION  
FOR AN ORDER PURSUANT TO RULE 2090-1(e) OF THE LOCAL BANKRUPTCY  
RULES TO REMOVE BRUCE S. SCHAEFFER AS COUNSEL TO DEFENDANTS**

I, Marvin C. Ingber declare as follows:

1. I am admitted Pro Hac Vice to this court. Pursuant to Rule 2090-1(e) of the Local Rules of the United States Bankruptcy Court for the Southern District of New York, I submit this declaration in support of the accompanying motion, notice of presentment and proposed order to remove Bruce S. Schaeffer ("Mr. Schaeffer") as counsel for defendants Amy Pinto Lome Revocable Trust, Amy Pinto Lome, and Leonard D. Lome ("Defendants") in this adversary proceeding.

2. On June 26, 2009, Mr. Schaeffer submitted a representation letter to the Trustee regarding the above captioned adversary case.

3. On March 27, 2012, Mr. Schaeffer filed a Request to Withdraw as Attorney of Record (docket number 12 on the above captioned adversary case); however, an Order granting this Request is not on the docket.

4. On March 28, 2012 an Order was signed granting Robert M. McClay's Pro Hac Vice admission.

5. On March 30, 2012 an Order was signed granting the undersigned's Pro Hac Vice admission.

6. All ongoing representation matters are being handled by Robert M. McClay and the undersigned.

7. Defendants have authorized this action to formally remove Mr. Schaeffer as attorney of record in this matter and to have him removed from all service lists.

8. On January 19, 2015 Robert M. McClay's legal assistant sent a letter to Mr. Schaeffer enclosing a stipulation Notice of Substitution of Counsel and Proposed Order for his signature. Mr. Schaeffer's two faxed responses to that letter and his reasons for not signing the stipulation are attached as Exhibit A & Exhibit B.<sup>1</sup> The undersigned did not respond to Mr. Schaeffer's letters either in writing or verbally. The undersigned respectfully disputes his comments.

9. The undersigned has not had any direct communication with Mr. Schaeffer after the transfer of the case to Robert M. McClay and the undersigned. During the transfer of the case the undersigned maintained any communications with Mr. Schaeffer in a professional manner. To the undersigned's knowledge, Defendants have had no contact with Mr. Schaeffer since the transfer of the case to Robert M. McClay and Marvin C. Ingber.

10. As the foregoing states, the undersigned has been unable to obtain Mr. Schaeffer's cooperation to remove himself as counsel.

11. It is not expected that any delay or prejudice will result to any party in this proceeding from this substitution of counsel.

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<sup>1</sup> Mr. Schaeffer provided the two letters via email to Judge Bernstein's Chambers on February 3, 2015.

Pursuant to 28 U.S.C. § 1746, the undersigned declares under penalty of perjury that the foregoing is true and correct.

Dated: Palm Springs, California

April 22, 2015

By: /s/ Marvin C. Ingber  
Marvin C. Ingber

**BRUCE S. SCHAEFFER**

ATTORNEY AT LAW  
3 PARK AVENUE  
15<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10016

TEL (212) 689-0400  
FAX (212) 696-9569

Date: January 21, 2015

To: Jennifer Fink

Fax: 651.290.2502

From: Susan Ogulnick

Re: Your letter of January 19, 2015

Number of pages to follow: 1

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**BRUCE S. SCHAEFFER**

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FAX (212) 688-9569

Bruce.Schaeffer@gmail.com

January 21, 2015

VIA FACSIMILE

Jennifer Fink

Legal Assistant to Robert M. McClay

McClay Alton, PLLP

951 Grand Avenue

St. Paul, MN 55105

Dear Ms. Fink:

Mr. Schaeffer will need a better and fuller explanation as to why he should cooperate with Mr. Ingber and his clients who have threatened and libeled him. Please provide immediately.

Yours truly,



Susan Ogulnick  
Office Manager

**BRUCE S. SCHAEFFER**

ATTORNEY AT LAW  
3 PARK AVENUE  
15<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10016

TEL (212) 689-0400  
FAX (212) 696-9569

Date: January 28, 2015

To: Jennifer Fink

Fax: 651.290.2502

From: Susan Ogulnick

Re: Your letter of January 19, 2015

Number of pages to follow: 1

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**BRUCE S. SCHAEFFER**

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Bruce.Schaeffer@gmail.com

**SECOND NOTICE**

January 28, 2015

**VIA FACSIMILE**

Jennifer Fink

Legal Assistant to Robert M. McClay

McClay Alton, PLLP

951 Grand Avenue

St. Paul, MN 55105

Dear Ms. Fink:

We responded immediately to your request for action by January 30 by demanding a fuller explanation. You have failed to respond. Accordingly, we have no choice but to ignore your demands and Mr. Ingber's prior threats.

Yours truly,



Susan Ogulnick

Office Manager